

Appl. No. : 10/072,424  
Filed : February 8, 2002

### **REMARKS**

Claims 1-7 and 13-18 remain pending and are presented for further examination. In response to the Office Action mailed February 9, 2006, and the Advisory Action mailed April 25, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

#### Discussion of Rejection Under Nonstatutory Double Patenting

The Examiner rejected Claims 1-7 and 13-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 and 45 of co-pending and recently allowed application Serial No. 10/464,830.

A terminal disclaimer referencing application Serial No. 10/464,830 accompanies this Amendment. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection for double patenting in view of application Serial No. 10/464,830. Applicant submits that the filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission regarding the propriety of the rejection. See M.P.E.P § 804.02.

#### Claim 13 - Housekeeping

Applicant noticed that the term “fibers” was both underlined and struckthrough in Applicant’s response filed on April 4, 2006. By this paper, Applicant confirms that the term “fibers” in line 5 of Claim 13 is deleted as reflected in the Amendments to the Claims.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is earnestly requested.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call

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Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11 1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/8/06

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